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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION N |
|---|-------------|----------------------|---------------------|----------------|
| 10/615,096 | 07/08/2003 | Jim Gammon | 998-932 | 8659 |
| 20792 | 7590 | 10/18/2004 | EXAMINER | |
| MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627 | | | | HOESLY, RYAN C |
| ART UNIT | | PAPER NUMBER | | |
| | | 3727 | | |

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|----------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/615,096 | GAMMON, JIM |
| | Examiner Ryan C. Hoesly | Art Unit 3727 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1-21 is/are rejected.
 7) Claim(s) ____ is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 08 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 3/24/04

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 8, 9, 18, 19, and 21 recite the limitation "one or more of the front, rear, and end panels" in claim 1 respective to claim 8 and 9, and claim 11 respective to 18, 19, and 21. There is insufficient antecedent basis for this limitation in the claim. Claims 2 and 12 are the only claims, which introduce end panels.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salopek (US Patent Number 5829655) in view of Begley (US Patent Number 5611287). Salopek teaches an assembly-in-place storage container for use behind the front seats of an extended cab truck, which includes a bottom panel (20), side panels (22 and 24) secured by hinges (26 and 28), front panel (36), and back panel (34). The bottom panel is contoured to matingly engage the seat (column 1, line 58). One embodiment of the Salopek device (Figure 6) includes hooks (64 and 66) that project from one of the panels that are capable of supporting shopping bags by the handle in an upright position during transit. Salopek does not disclose what type of hinge is used, but it is disclosed that in the operative position the side panels, the front panel, and the rear panel fit into tabs so that they are locked in a position generally

perpendicular to the bottom panel. Therefore Salopek discloses a method to secure the panels both in a horizontal stored position and a vertical operative position, however, if such a rigid securing means was not needed, it would have been obvious to one skilled in the art at the time of invention to use biased hinges as opposed to the hinges and locking tabs to secure the front, rear, and side panels in a vertical position.

4. With regards to claim 3, mating means built into panels to allow a surface to be maintained in a generally horizontal position when an apparatus is installed within a vehicle are well known in the art, and one of these examples is the Begley device. Begley teaches a leveling device that includes a surface (320) with a rib (328) contoured on the bottom of the surface to provide a generally horizontal surface when the device is placed on a vehicle seat. If further means for giving the Salopek device a horizontal surface were desired, it would have been obvious to one skilled in the art at the time of invention to modify the Salopek device by adding one or more of the ribs, as in the technology of Begley, to the bottom panel so that it would engage the seat and have a generally horizontal surface.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salopek as applied to claims 1-3, 5, 6, and 9 above, and further in view of Eberhard (US Patent Number 3934771). Eberhard teaches a radar mount and holding bracket, which includes a back panel (24) and a support contour (23) that matingly engages a contour of a vehicle seat back when the storage apparatus is installed within a vehicle so that the back panel remains generally vertical.

6. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salopek as applied to claims 1-3, 5, 6, and 9 above, and further in view of Yuille et al (US Patent Number 6401995). Yuille teaches a collapsible storage unit for a truck that has a base panel (12), front panel (14), back panel (13), and side panels (15 and 16) that are all attached by hinges so that the vehicle cargo storage apparatus is completely collapsible. The back panel is a different height than that of the front panel due to an extension (17) that can either be used as a lid or extend the length of the back panel. Yuille also discloses a handle (32) that facilitates carrying the apparatus when the front, rear, and end panels are in the stored positions.

7. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yudenfreund (US Patent Number 2898146) in view of Carlsson et al (US Pre-grant Publishing Number 20020070574). Yudenfreund discloses a foldable insert and liner for the rear of station wagons, which includes an expandable storage apparatus with a base of two base panels (12 and 13) hinged together by an intermediate area (14). Each base panel has a front panel (21 and 25), a rear panel (23 and 27), and a side panel (15 and 19) connected by hinges (16, 20, 22, 24, 26, and 28) so that the panels can move between the stored horizontal position and the operating vertical position.

8. Carlsson discloses a loading compartment, which includes a folding, hinged panel (7) and means for securing different objects. One such means for securing are projections or hooks (17) on the panel, which allow articles, such as shopping bags, to be supported in the upright position by an attaching member during transit. Another is a

pocket formed on the panel for receiving articles therein. Still another is cargo netting (20) for restraining articles placed within the storage apparatus.

9. With regards to claim 1, 2, 11, and 12, Yudenfreund discloses a device that is a collapsible storage apparatus that is capable of having one base panel or two base panels, separated by an intermediate portion, each with opposite upper and lower surfaces, opposite front and rear portions, and opposite side portions. It also has front panels, rear panels, and side panels that extend perpendicular to the base for constraining motion of articles disposed on the base upper surface and are attached by hinges so that they are movable between a horizontal stored position and a vertical operative position. In the horizontal stored position, the panels overlie each other on the base panel and the device can be folded to be flat with a footprint as small as that of one of the base panels. While the Yudenfreund device is primarily built for the rear of a station wagon, it has nearly identical structure and a similar purpose to that of the claimed device and if sized correctly would be completely capable of performing the functions as claimed. Therefore, it would have been obvious to one skilled in the art at the time of invention to proportion the Yudenfreund device to that of a vehicle seat.

10. With regards to claim 3, 4, 13, and 14, Yudenfreund discloses a device that is contoured to fit in the rear of station wagons. However, as it has been shown, it is well known in the art to give panels that are placed in seats a contour so that the surface is flat even though most seats have a slope. These contours not only apply to providing a flat horizontal surface but also a vertical surface to the apparatus placed on a vehicle seat. Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify the Yudenfreund device, if used on a vehicle seat, as in the technology currently used in the art to add contours to the bottom surface of the base panel as well as to the back of the rear panel to provide a horizontal and a vertical surface, respectively.

11. With regards to claims 5, 6, 15, and 16, Yudenfreund discloses a device that has a front panel, a rear panel, and side panels attached to a base by hinges. Yudenfreund does not disclose a certain type of hinge that is to be used, but the figures disclosed all show the panels in a horizontal position or a vertical position. Furthermore, Yudenfreund does not disclose any means for securing the panels in upright positions, such as locking tabs, so the panels are supported in the upright position by only the hinge. Biased hinges are well known in the art for limiting the movement of panels to conform to that of desirable positions. It would have been obvious to one skilled in the art at the time of invention to use biased hinges on the Yudenfreund device to achieve the desired vertical and horizontal positions in the operative and stored positions, respectively.

12. With regards to claims 7 and 17, Yudenfreund discloses a device with a front panel, a rear panel, and side panels. The preferred orientation of the Yudenfreund device is that where there is one front panel, one rear panel, and four side panels, however if it were adapted for a vehicle seat as stated with respect to claims 1, 2, 11, and 12 it would have two front panels, two rear panels, and two side panels. The Yudenfreund device has a front panel that has a first height and a rear panel has a second height different from the first it. If the Yudenfreund device was modified as

stated with respect to claims 1, 2, 11, and 12, it would have been obvious to one skilled in the art at the time of invention to have the two front and two rear panels have different heights as the single front and rear panels did in the preferred embodiment.

13. With regards to claims 8, 9, 18, 19, and 21, it would have been obvious to one skilled in the art at the time of invention to modify the Yudenfreund device as in the technology of the Carlsson device in the following ways: adding one or more pockets for receiving articles to one or more of the panels, adding at least one projection to at least one of the panels configured to support one or more loaded shopping bags by the handles to support the loaded shopping bags in the upright position during vehicle operation, and adding cargo netting to one or more of the panels for restraining articles placed within the storage apparatus.

14. With regards to claims 10 and 20, the Yudenfreund device folds together for storage purposes. As was shown above, adding a handle to a folded storage device to assist in transporting it to and from storage and operating locations is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the Yudenfreund device by adding a handle. If such a handle were added it would be the obvious location to add it where the device folded together, such as at the intermediate portion between the two base panels.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record can be found in the Notice of References Cited (PTO Form-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Hoesly whose telephone number is (703) 305-0576. The examiner can normally be reached on Monday-Thursday 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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